

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

ANDREW WILLIAM BANNISTER, deceased,  
by his Co-Administrators *Ad Litem* CANDACE C.  
BANNISTER and MARK E. BANNISTER,

Plaintiffs,

v.

KNOX COUNTY BOARD OF EDUCATION,  
KNOX COUNTY SCHOOLS, KNOX COUNTY,  
TENNESSEE, RYAN J. SIEBE, KIMBERLY H.  
GRAY, ANTHONY B. NORRIS, ERIN A. ASHE,  
AND BRIAN A. HARTSELL.<sup>1</sup>

Defendants,

No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendants Knox County Board of Education, Knox County Schools, and Knox County, Tennessee, by and through counsel, and without waiving any defenses or objections to service of process, respectfully file this Notice of Removal of this State Court action from the Circuit Court for Knox County, Tennessee to the United States District Court for the Eastern District of Tennessee, pursuant to the provisions of 28 U.S.C. § 1441, *et seq.*, and as grounds for removal say as follows:

1. On April 16, 2018, Plaintiffs filed the Complaint in this cause in the Circuit Court for Knox County, Tennessee, bearing Docket No. 1-134-18.
2. A copy of the State Circuit Court file is attached hereto as Exhibit A.

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<sup>1</sup> All individual capacity defendants were dismissed by voluntary non-suit of Plaintiff by Order of the Circuit Court dated May 10, 2018. To the extent such parties are sued in their official capacities, such claim is in actuality a claim against the governmental entity. *Hafer v. Milo*, 502 U.S. 21 (1991).

3. The Complaint alleges, among other things, that the Defendants have violated Plaintiff's Procedural Due Process rights and "Constitutional Rights," as set forth more specifically in the accompanying Memorandum.

4. The Complaint filed herein involves a civil action over which the District Court of the United States has original jurisdiction, in that it is a civil action arising under the Constitution, treaties or laws of the United States and involves a federal question; therefore, this civil action is removable to this Court under the provisions of 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331.

5. This Notice of Removal is proper in that it is filed within thirty (30) days of the date Defendants received service of the pleading setting forth the claim for relief upon which removal is based.

6. Written notice of the filing of this Notice of Removal will be given to Plaintiffs, and a copy of this Notice will be filed with the Circuit Court Clerk for Knox County, Tennessee as required by law.

WHEREFORE, Defendants Knox County Board of Education, Knox County Schools, and Knox County, Tennessee, by and through counsel, and without waiving any defenses or objections to service of process, request that this action proceed in the United States District Court for the Eastern District of Tennessee as an action properly removed as provided in 28 U.S.C. § 1441, *et seq.*

Respectfully submitted,

/s/ David M. Sanders

DAVID M. SANDERS (BPR# 014525)  
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Counsel for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Copies will be provided specifically by United States Mail, postage prepaid to Herbert Moncier, 550 Main Avenue, Suite 775, Bank of America Center, Knoxville, TN 37902. Parties may access this filing through the Court's electronic filing system.

/s/ David M. Sanders  
DAVID M. SANDERS